

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO.: 1:22-cv-21659-GAYLES/TORRES

JAMES EDWARD JOHNSON,

Plaintiff,

v.

**KILOLO KIJAKAZI,
Acting Commissioner of Social Security
Administration,**

Defendant.

ORDER

THIS CAUSE comes before the Court on Defendant’s Unopposed Motion for Entry of Judgment Under Sentence Four of 42 U.S.C. § 405(g) (“Motion”) [ECF No. 25]. The action was referred to Chief Magistrate Judge Edwin G. Torres, pursuant to 28 U.S.C. § 636(b)(1)(B), for a ruling on all pretrial, non-dispositive matters, and for a Report and Recommendation on any dispositive matters. [ECF Nos. 2, 6]. On November 16, 2023, Judge Torres issued his Report and Recommendation (“Report”) recommending that Defendant’s Unopposed Motion be granted. [ECF No. 27].

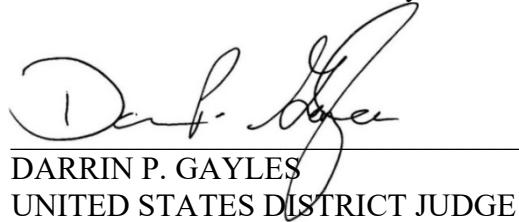
A district court may accept, reject, or modify a magistrate judge’s report and recommendation. 28 U.S.C. § 636(b)(1). Those portions of the report and recommendation to which objection is made are accorded *de novo* review, if those objections “pinpoint the specific findings that the party disagrees with.” *United States v. Schultz*, 565 F.3d 1353, 1360 (11th Cir. 2009); *see also* Fed. R. Civ. P. 72(b)(3). Any portions of the report and recommendation to which *no* specific objection is made are reviewed only for clear error. *Liberty Am. Ins. Grp., Inc. v. WestPoint*

Underwriters, L.L.C., 199 F. Supp. 2d 1271, 1276 (M.D. Fla. 2001); *accord Macort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006).

Having reviewed the Report for clear error, the Court agrees with Judge Torres's analysis and conclusion. Accordingly, it is **ORDERED AND ADJUDGED** as follows:

- (1) Chief Magistrate Judge Edwin G. Torres's Report and Recommendation, [ECF No. 27], is **AFFIRMED AND ADOPTED** and incorporated into this Order by reference;
- (2) Defendant's Unopposed Motion for Entry of Judgment Under Sentence Four of 42 U.S.C. § 405(g) [ECF No. 25] is **GRANTED**;
- (3) Pursuant to 42 U.S.C. § 405(g), Defendant Commissioner's decision denying Plaintiff's eligibility for Social Security Disability Income Benefits is hereby **REVERSED**, and the cause is **REMANDED** to Defendant Commissioner to offer Plaintiff an opportunity for a new hearing, further evaluate the medical opinion evidence pursuant to 20 C.F.R. §§ 404.1520(b)(2), 416.920(b)(2), take any further action needed to complete the administrative record, and issue a new decision.; and
- (4) This shall remain **CLOSED** for administrative purposes.

DONE AND ORDERED in Chambers at Miami, Florida, this 20th day of November, 2023.



DARRIN P. GAYLES
UNITED STATES DISTRICT JUDGE

cc: All Counsel of Record